

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOHN BORON, et al.,

Plaintiffs,

v.

KEVIN P. BRUEN, et al.,

Defendants.

**NOTICE OF MOTION FOR
PRELIMINARY INJUNCTION**

Case No.: 22-cv-00695-JLS

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, declarations in support, and complaint in this action, Plaintiffs Brett Christian, Firearms Policy Coalition, Inc., and Second Amendment Foundation, through counsel, will move this Court, at a date and time to be determined by the Court, for an Order pursuant to Rule 65(a) of the Federal Rules of Civil Procedure for a preliminary injunction enjoining Defendants from enforcing unconstitutional provisions of New York’s Senate Bill S51001 (“S51001”) (June 30, 2022, Extraordinary Session), which violate Plaintiffs’ constitutional right to keep and bear arms “outside the home.” *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S. Ct. 2111, 2122 (2022).

Plaintiffs respectfully request a preliminary injunction restraining Defendants and their officers, agents, servants, employees, and all persons in concert or participation with them who receive notice of the injunction, from enforcing N.Y. PENAL LAW §§ 265.01-e(2)(d) (public parks), 265.01-e(2)(n) (public transportation), and 265.01-d (default anti-carry rule) with respect to places open to the public, and their regulations, policies, and practices implementing them; and for such other and further relief as the Court deems appropriate.

Respectfully submitted, this 28th day of September 2022.

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

In accordance with Federal Rule of Civil Procedure 5(b)(2)(C), I hereby certify that a true and correct paper copy of the foregoing was served to Defendants by mail to the following addresses on this 28th day of September 2022.

Kevin P. Bruen,
New York State Police
1220 Washington Avenue
Building 22
Albany, NY 12226

John J. Flynn,
Erie County District Attorney's Office
25 Delaware Ave
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/s/ David H. Thompson
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